

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESSE MEJIA,

Plaintiff,

v.

RYAN ALYSON, ELKE JACKSON, ALEX
COSTA, MARK R ELIASON, and
WASHINGTON STATE DEPARTMENT
OF CORRECTIONS,
Defendant.

CASE NO. 2:23-cv-00204

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida. Dkt. No. 20. Judge Tsuchida recommends that the Court dismiss Plaintiff's claims against Defendant Washington Department of Corrections. Judge Tsuchida recommends dismissal because all Plaintiff's claims against DOC are facially invalid, as DOC is not a proper party in a 42 U.S.C. § 1983 action. Under the Eleventh Amendment to the Constitution of the United States, neither a state nor a state agency can be sued in federal court without its consent. *Pennhurst St. Sch. & Hosp.*, 465 U.S. 89, 100 (1984); *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989). Plaintiff has not responded to the DOC's motion, nor has he objected to the R&R.

The Court agrees with the Report and Recommendation's reasoning that dismissal with prejudice is warranted.

1 Having reviewed the Report and Recommendation of the assigned United States
2 Magistrate Judge and the remaining record, the Court finds and ORDERS:

- 3 1) The Court ADOPTS the Report and Recommendation in full. Dkt. No. 20.
- 4 2) The claims against the Washington Department of Corrections are DISMISSED with
5 prejudice, but the case remains referred to the assigned Magistrate Judge because this
6 dismissal does NOT pertain to the other remaining Defendants.
- 7 3) The Clerk is directed to send copies of this Order to the parties and to the Honorable
8 Brian A. Tsuchida.

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10 Dated this 31st day of July, 2023.

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14 Jamal N. Whitehead
15 United States District Judge
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